

Minutes of a Regular meeting of the City Council.

Austin, Texas, November 16, 1891.

Hon. John McDonald, mayor, presiding.

Call

Present: Aldermen Anderson, Carlton, Glass, Graham, Hume, Jackson, Ketchum, Linn, Morris, Nitzeckle, North, Phillips, Platt, Schneider, Schubel, Utter, Townsend, Weyerman, Ziller.—19.

Absent: Aldermen Assmann, Keerton, M. T. Ingfield.—3.

It was moved that the reading of the minutes of the City Council, which were held on the 28th day of Oct., 1891, and the 2nd and 11th days of November, 1891, be dispensed with, and that they be adopted as printed.

The motion prevailed.

Petitions, Memorials, Etc.

Petition of Wm Parks, owner by Walton, Still & Walton, attorneys, claiming that in the building of the San Antonio Railroad along Cedar Street, Lot 7 in block 25, was injured not less than \$300.00 and asks that he be compensated for said damage.

Alderman Morris moved that the petition be referred to the City Attorney with instructions to report to the City Council at its next meeting, whether or not the City is legally liable for said damage. Carried.

Petition from W. H. Milam by his attorney, J. H. Caldwell, requesting the Council to refund a jury fee paid in the Recorder's Court.

Alderman Ziller moved that the petition be laid over until the next meeting of the Council.

Alderman Linn moved, as a substitute, that the petition be referred to the City Attorney, with instructions to report to the next meeting of the City Council, whether or not the City Council can legally refund said fee. Carried.

By Alderman Platt: A petition of citizens requesting the City Council to place a fire hydrant in front of Block No. 1, in lot No. 35, Division "O", being on Water Street just east of Canal Street.

Alderman Linn moved to refer the petition to the Water and Light Committee with instructions to report to the next meeting of the City Council, the probable cost of placing the hydrant at the point named. Adopted.

By Alderman Graham: A petition from Lucy L. Davis, by her husband, J. V. Davis, and J. M. Borroughs, requesting the City Council to open a ~~one~~ sixty feet wide through a part of the Isaac Becker estate in the Eleventh Ward of the city.

Petitioners agree, if said proposed street be opened, to devote to the City the land contained therein, and to execute deeds therefor.

The petition was referred to the Street Committee.

By Alderman Ketchum: A petition from citizens of the Eleventh Ward showing the necessity of a street being opened through the Baldwin Estate, which extends

Call
Minutes.

Wm Parks, claim.

W. H. Milam.

Hydrant.

Street. J. V. Davis.
J. M. Borroughs.

A. S. C. O.

from the Colorado river south about four miles, and earnestly requesting the City Council to open the same.

Ald. J. E. Austin. A deed from Jas. E. Bouldin to the City of Austin conveying right-of-way across said estate for street purposes accompanied the petition.

The Conveyance is made upon the condition that the city shall open and clean, grade and improve, and make on the property a first-class road or street, building all necessary bridges, etc., and making all improvements thereon necessary for the convenience of travel over such street, and to keep such street in first-class condition; and further, that the city shall, within thirty days, have such street opened, cleared and improved sufficiently to be traveled by wagons and teams.

Alderman Linn moved that the petition and deed be referred to the Street Committee, City Engineer and City Attorney, with instructions to make the necessary examinations concerning each, and to report to the next meeting of the City Council relative to each, naming the probable cost and time necessary to put the proposed street in a condition for travel.

Alderman Wingfield entered the Council and answered to his name.

Alderman Morris offered the following as a substitute for the motion made by Alderman Linn:

Resolved, That the City Attorney be instructed to promptly investigate the title of the person making the deed for a street across Bouldin addition, and report to the mayor, and if the title is sufficient in the opinion of the City Attorney that said deed be accepted, and that the Mayor, Street Committee, Street Commissioner and City Engineer be instructed to open up said street.

The Substitute was lost by the following vote:

Yea - Aldermen
Carlton, Glass, Jackson, Ketchum, Morris, Schuber, Weyerman,
Wingfield, Ziller. - 9.

Nay - Aldermen Anderson, Graham, Hume, Linn, Nitschke,
North, Phillips, Platt, Schneider, Dutcher, Townsend. - 11.

The original motion was then adopted.

A communication was received from Chas. C. Kewning, County Commissioner, Precinct No. 1, stating that he and Commissioner Pace were appointed by the Commissioners' Court of Travis County, a Committee to wait upon the City Council, and call attention to the resolution of the Court of October 9, 1891, turning over to the City Council all streets, roads, highways and bridge formerly controlled by the County of Travis, within the new limits of the city of Austin, with the exception of the Avenue bridge, and to offer supplementary thereto the opinion of the Attorney General on the question of jurisdiction and control of said bridge; and further stating that the Committee were ordered to inform the Council that, on and after Tuesday, November 24, 1891, the Commissioners Court would no longer exercise supervision in regard over the said Avenue bridge, nor any of the approaches thereto; that the said Court, on and after that date, would recognize no claim nor demand for

Kewning - Co. Comm.
Bridge, etc.

Services of bridgekeeper, nor for any damages to individuals or property caused by accident or otherwise. That said Committee has been requested by the Court to obtain from the City Council a formal acceptance of all the obligations imposed by the new Charter, especially with reference to this property, and to that end the Council is requested to pass, without delay, such an ordinance or resolution as may be proper to settle the jurisdiction and authority of the city in this matter.

Alderman Nitschke moved to lay the matter on the table subject to call.

The motion was lost by the following vote: Yeas - Aldermen Carleton, Glass, Nitschke, Pfeath - 4.

Nays - Aldermen Anderson, Graham, Hume, Jackson, Ketteman, Linn, Morris, North, Phillips, Schneider, Schubel, Carter, Townsend, Meyerhan, Wingfield, Giller - 16.

Alderman North moved to refer the matter to the City Attorney.

Alderman Linn moved to amend the motion by adding thereto "and the Ordinance Committee". The amendment was accepted, and the motion, as amended, was adopted.

Reports of City Officers.

By the City Engineer, a report showing the amount of money necessary to put Firemen's Hall on Market Square, in thorough repair. The amount named is \$286.

Alderman Giller moved to refer it to the Finance Committee.

Committee Reports.

By Alderman North, for the Ordinance Committee, to whom was referred a petition of citizens requesting that the so-called Slope Ordinance, recently passed by the Council, be repealed. Submitted a report thereon recommending the passage of an ordinance entitled "An Ordinance repealing an ordinance regulating the hauling of slope and providing penalties for its violation, passed on the 19th day of October, 1891," which accompanied the report of the Committee.

The report and ordinance were laid over to be taken up under the head of unfinished business.

By Alderman North, for the Cemetery Committee, to whom was referred a petition of ladies asking that the City Cemetery be put in better condition, and the Mayor's message recommending that an appropriation be made for the purpose, presented a report stating: "We believe the petition to be meritorious, but in view of the condition of the city finances, we believe that with the sum of one hundred dollars the said complaint can be reasonably redressed, and we therefore recommend the passage of the above petitioned ordinance, which is entitled 'An ordinance appropriating \$100.00 of the hundred dollars, or so much thereof as may be necessary, for the purpose of improving the City Cemetery.' Said sum to be taken up under the head of unfinished business.

E. P. Stiles
Cemetery.

Alderman Kerth presented the following:

To the Hon. City Council of the City of Austin:

At the request of the Cemetery Committee, and in accordance with a resolution of your honorable body adopted August 3d, 1891, adopting certain propositions made by E. P. Stiles for the burial of paupers and the establishment of a new Cemetery, your Ordinance Committee recommend the adoption of the following resolution:

"Resolved, That in accordance with a resolution of this body adopted August 3, 1891, accepting the proposition made by E. P. Stiles for the burial of the paupers of the City of Austin and the establishment of a Cemetery, the Mayor be and is hereby authorized to sign, seal, execute and deliver, on behalf of the City of Austin, the accompanying contract with the owners of the property referred to in the proposition of said E. P. Stiles, in accordance with the terms of said proposition and resolutions."

Alderman Ziller moved the adoption of the report and resolution carried.

Unfinished Business.

The following named Ordinance was taken up and read the first time: An Ordinance appropriating the sum of one hundred dollars, or so much thereof as may be necessary, for the purpose of improving the City Cemetery.

Alderman Sketchum moved to lay it over until January next.

The motion was lost by the following vote:

Yea - Aldermen Carlton, Glass, Sketchum, Nitschke, Weyerman, Wingfield - 6.

Nay - Aldermen Anderson, Graham, Hume, Jackson, Linn, Morris, North, Phillips, Plett, Schneider, Schubel, Suter, Townsend, Ziller - 14.

Motions were then made to suspend the rules and place the Ordinance on its second and third readings, both of which were adopted by the following vote:

Yea - Aldermen Anderson, Carlton, Graham, Hume, Jackson, Linn, Morris, Nitschke, North, Phillips, Plett, Schneider, Schubel, Suter, Townsend, Ziller - 16.

Nay - Aldermen Glass, Sketchum, Weyerman, Wingfield - 4.

The Ordinance was accordingly read, and on motion passed. An Ordinance repealing an Ordinance regulating the hauling of slops and providing penalties for its violation, passed on the 19th day of October, A. D. 1891, was taken up and read the first time. A motion was then made to suspend the rules and place the same on its second reading, which was lost by the following vote:

Yea - Aldermen Anderson, Carlton, Graham, Hume, Jackson, Sketchum, Ziller, Morris, Nitschke, North, Phillips, Schneider, Townsend, Weyerman, Wingfield - 15.

Nay - Aldermen Glass, Plett, Schubel, Suter, Ziller - 4.

Other Business.

By Alderman Morris - An Ordinance creating a Board of Health in all the Works of the City for the purpose of electing a Mayor of the City, three members of the Board

Slop Ord.

Ex: ..

of school trustees, and two aldermen from the Eleventh Ward and one alderman from each of the other wards of the city.

It was read the first time, after which a motion was made to suspend the rules and place the same on its second reading, which was adopted by the following vote:

Yea - Aldermen Anderson, Carlton, Glass, Graham, Hume, Jackson, Ketchum, Linn, Morris, Mischke, North, Phillips, Platt, Schneider, Schuler, Sutor, Townsend, Meyerhan, Wingfield, Ziller. - 20.

The ordinance was then read a second time, after which Alderman North moved that the several divisions of section two of the ordinance containing blanks be considered separately. The motion prevailed, and on motion the blank space for the names of judges of election for the First ward was filled by inserting the names of Col. Shelley, Isaac Archer, Fritz Meineker.

It was moved and carried that the blank space for the names of judges of election for the Second ward be filled by inserting the names of S. D. Kingsbury, W. C. Pillow, J. P. Crane.

It was moved and carried that the blank space for the names of judges of election for the Third ward be filled by inserting the names of J. W. Warren, H. Stirsheld and Joseph Harrell, Jr.

It was moved and carried that the blank space for the names of judges of election for the Fourth ward be filled by inserting the names of V. L. Caldwell, Ed Jones, Fritz Tegener.

It was moved and carried that the blank space for the names of judges of election for the Fifth ward be filled by inserting the names of Geo. Warren, Ernest Van Roseney, J. H. P. Byrne.

It was moved and carried that the blank space for the names of the judges of election for the Sixth ward be filled by inserting the names of L. Marcus, A. Weilbacher, Jeff Johnson.

It was moved and carried that the blank space for the names of the judge of election for the Seventh ward be filled by inserting the names of J. B. Rogers, Sr., M. V. Gresham, R. Haeckle.

It was moved and carried that the blank space for the names of the judges of election for the Eighth ward be filled by inserting the names of D. V. Davis, Thos. F. Swett, C. A. Reiley.

It was moved and carried that the blank space for the name of the judge of election for the Ninth ward be filled by inserting the names of W. M. Fisher, A. McKenzie, W. H. French. It was moved and carried that the blank space for the name of the judge of election for the Tenth ward be filled by inserting the names of Jas. M. Mansfield, Mr. W. Orr, Jas. P. Pearl.

It was moved and carried that the blank space for the name of judge of election for the Eleventh ward be filled by

inserting the names of J. H. W. Williams, Will C. Redd, C. P. Lempay.

Alderman Suter moved to amend Section One of the Ordinance by striking out the words "drawn by lot," and inserting in lieu thereof the following: "The Alderman receiving the largest number of Votes shall be declared elected for the term of two years, and the alderman receiving the next highest number of Votes shall be declared elected for the term of one year." The amendment was lost.

A motion was then made to suspend the rules and place the ordinance on its third reading, which was carried by the following vote:

Yea - Aldermen Anderson, Carlton, Glass, Graham, Hume, Jackson, Ketchum, Linn, Morris, Stitschke, North, Phillips, Platt, Schneider, Schuber, Suter, Townsend, Weyerman, Wingfield, Ziller. - 20.

The ordinance was accordingly read, and on motion passed.

By Alderman Anderson:

"Resolved, That the City Clerk or City Engineer shall furnish a copy of the city map, known as Bergen, Daniel & Grays map, with the wards correctly delineated upon the same, to the Judge of Election in each of the wards on the 7th day of December." Adopted.

Alderman Linn moved that the Committee on Water and Light be instructed to ascertain whether or not a fire hydrant has been placed on Magnolia Avenue according to the provisions of Section 4 of an Ordinance Ordering the City Water Company to Extend Water mains and locate hydrants thereon, approved March 16, 1886. Carried.

By Alderman Glass: Amend article 184 of the Revised Criminal Ordinances of the City, after the word "and" in last line by adding: That the aforesaid practitioners of Medicine and Surgery, failing to observe the provisions of this ordinance, and on Conviction shall be fined not less than ten dollars nor more than one hundred dollars.

Alderman Ziller moved to refer it to the Ordinance Committee. Carried.

By Alderman Linn: An Ordinance appropriating the sum of five thousand dollars for the purpose of paying the salaries of Engineers, Inspectors and other necessary expenses incident to the construction of the Dam for the City of Austin.

It was read the first time, after which motions were made to suspend the rules and place the same on its second and third readings, and that it do pass, all of which were adopted by the following vote, and were duly complied with:

Yea - Aldermen Anderson, Carlton, Glass, Graham, Hume, Jackson, Ketchum, Linn, Morris, Stitschke, North, Phillips, Platt, Schneider, Schuber, Suter, Townsend, Weyerman, Wingfield, Ziller. - 20.

By Alderman Linn: An Ordinance appropriating the sum of twenty-nine and 1/2-1/2 dollars for the purpose of paying John Alexander for putting the City houses during the month of October, 1891.

Ward Boundaries.

Hydrant.

Reporting disease.

Dam-\$5000. Mich.

It was read the first time, after which motions were made to suspend the rules and place the same on its second and third readings, both of which were adopted by a vote of two-thirds of the whole Council. The Ordinance was accordingly read, and an motion passed.
The Council then adjourned.

Milton Morris,
City Clerk.